IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 6760 of 2004

Rajratna Milk Products Pvt. Ltd. ..Petitioner

vs.

1. Maharashtra State Electricity ' Supply board and another ..Respondents

Shri V.M.Thorat with Shri S.S.Salunkhe for petitioner
Smt.A.R.S.Baxi for respondent no.1.

CORAM: A.P.SHAH
S.U.KAMDAR JJ.
6th Setember, 2004

P.C.

1. Heard Advocates.

2. The petitioner who is a consumer of electricity from M.S.E.B. was raided by the flying squad and it was detected that there was theft of electricity. On that basis demand notices have been issued by the M.S.E.B. which are sought to be challenged in the present petition.

3. Condition No.31(e) of the Conditions of Supply provides for remedy of an appeal. If the petitioner is aggrieved by the demand notice he has to file an appeal subject to predeposit of 20%. Only ground raised in the present petition is that

the petitioner was H.T.consumer at the relevant time and, therefore, his case ought to have been considered by the Chief Engineer in terms of Conditions of Supply and in that event the appeal would lay to the Board. However, according to the respondent, the petitioner was not the consumer of H.T. but he was at the relevant time when the flying squad raided the factory on 25th October, 2002 was a L.T.consumer and his sanctioned load was 96.5 H.P. i.e. less than 100 H.P. In view of the fact that at the relevant time the petitioner was L.T.consumer appeal would lay to the Chief Engineer. The petitioner is free to approach the Superintending Engineer and if the petitioner deposits or has already deposited 20% of the amount his appeal may be considered by the Chief Engineer in accordance with law.

5. Petition is accordingly disposed of.